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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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OCT 30 2006

STATE OF WEST VIRGINIA

v.

CASE NO. 04-F-397

SEPTEMBER TERM, 2004

JUDGE: CHARLES E. KING, JR.

ROBERT LEE SHINGLETON,

Defendant.

SENTENCING ORDER

FILED
2006 OCT 24 PM 2:09
CATHY S. EVERETT, CLERK
KANAWHA CO. CIRCUIT COURT

On this 12th day of October, 2006, came the State of West Virginia, by Robert William Schulenberg III, Assistant Prosecuting Attorney, and as well came the defendant, Robert Lee Shingleton, both in person and by his counsel, Dennis Bailey, for the purpose of sentencing in this matter as a result of a jury verdict of guilty rendered on the 23rd day of June, 2005, and entered of record.

WHEREFORE this Court, having denied all post-trial motions and having confirmed the jury's verdict, proceeded to sentencing in this matter and, having determined that the defendant and the State have received a copy of the presentence investigation report and have had sufficient time to review the same, having heard the defendant's objections and exceptions to the presentence report, having heard argument and representation of counsel in this matter, and having given the defendant an opportunity for allocution,

hereby

ORDERS, ADJUDGES and DECREES as follows:

1. That the defendant, having been convicted of the felony offense of Malicious Assault as contained in Count Two of the indictment in this action, and having found the defendant to be a previously convicted felon by virtue of felony convictions in the Circuit Court of Taylor County, West Virginia, in Case No. 02-F-37, as a result of a recidivist information and plea thereto by the defendant, shall be, and hereby is SENTENCED to an indeterminate term of not less than four (4) years nor more than ten (10) years in the West Virginia Penitentiary, with credit for time served while awaiting trial, conviction and sentencing, which credit has been calculated at Four Hundred Seventy (470) days; and
2. That the defendant's sentence shall be served CONCURRENTLY WITH the sentence imposed by the Circuit Court of Taylor County, West Virginia, in Case No. 02-F-37; and
3. That the defendant shall be remanded into the custody of the Sheriff, West Virginia Regional Jail and Correctional Facility Authority, and West Virginia Division of Corrections for the service of the sentence hereby imposed; and
4. That the Commissioner of the Division of Corrections shall take custody of the defendant and safely convey him to an appropriate facility for the service of the sentence hereby imposed and as the law prescribes; and
5. That the defendant's objection and exception to this Order and this Court's rulings shall be, and hereby are, preserved; and
6. That this Order shall relate nunc pro tunc to the 2nd day

of February, 2006; and

7. That the Clerk of this Court shall prepare and deliver a true copy of this Order and a certified commitment to counsel of record, the West Virginia Regional Jail and Correctional Facility Authority, and to the Commissioner of Corrections.

ENTERED

10-24-06

Charles E. King
CIRCUIT JUDGE

Prepared by:

Robert Schull
ASSISTANT PROSECUTING ATTORNEY

[Signature]
COUNSEL FOR DEFENDANT

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 24th
DAY OF October, 2006
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

10/27/06

✓ PA, DBaulay, AP,
✓ DOC, SCRJ, MT. OLIVE,
✓ P11 Bld, RJA

Bidun King

CERTIFICATE OF SERVICE

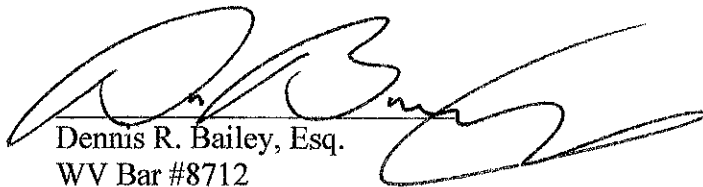
I, Dennis R. Bailey, Counsel for the Petitioner herein, do hereby certify that I have served the forgoing *Docketing Statement* by mailing, via first class United States mail, postage prepaid, a true copy hereof, to the following designated parties, on this the 25th day of April, 2007:

Kanawha County Prosecuting Attorney's Office
The Geary Plaza, 4th Floor
700 Washington Street, East
Charleston, WV 25301

CATHY S. GATSON, CLERK
KANAWHA CO. DISTRICT COURT

2007 APR 25 PM 2:32

FILED



Dennis R. Bailey, Esq.
WV Bar #8712
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